

CHAPTER 5
PERSONNEL ACTION

486—5.1(10A) Appeals.

5.1(1) *Form and time of appeal.* Any person aggrieved by a personnel action pertaining to an application rejection; examination rating; removal from eligible list or disqualification; or veteran's points rejection may appeal to the employment appeal board within 30 days from the date of the notification of the action. The appeal must be in writing, signed by the appellant or authorized agent. If an appeal is signed by an authorized agent, the name of the appellant shall be shown at the end of the appeal, followed by the signature of the authorized agent.

The appeal shall be addressed to: Employment Appeal Board, Lucas State Office Building, Second Floor, Des Moines, Iowa 50319.

5.1(2) *Taking the appeal.* An appeal shall be deemed filed on the date it is delivered to the employment appeal board. If mailed, the postmark date, appearing on the envelope, if postage was pre-paid and properly addressed, shall constitute the filing date.

The appeal board shall provide the respondent agency a copy of the appeal.

5.1(3) *Hearing date and notice.* Upon receipt of the appeal, a hearing date shall be established and notice of the hearing shall be mailed, by ordinary mail, to the parties not less than ten days prior to the hearing date.

5.1(4) *Continuances.* Requests for continuance of a hearing must be made not less than three days before the scheduled hearing date. The request must be in writing and signed by the requesting party or an authorized representative. Each party shall be granted only one continuance, unless good cause is established as determined by the chairperson of the appeal board or assigned administrative law judge.

5.1(5) *Hearings.* The hearing may be conducted by a quorum of the employment appeal board or by an administrative law judge designated by the employment appeal board. A quorum of the appeal board shall be two members.

5.1(6) *Procedures during hearings.* The hearing shall be conducted in an informal manner as provided under Iowa Code section 17A.12.

5.1(7) *Decisions.* If the hearing is conducted by the employment appeal board, the decision shall be the final decision. If the hearing is conducted by an administrative law judge, the decision shall be a proposed decision, which shall become the final decision 20 days after the issue date of the decision, unless the appeal board reverses, modifies or remands the proposed decision.

5.1(8) *Rehearings and further appeals.* The decision of the appeal board, or 20 days after the proposed decision of the administrative law judge, shall become the final decision of the agency unless within 20 days of the date of the decision, an application for rehearing, as provided in Iowa Code section 17A.16(2) is filed by the aggrieved party. The application shall be in writing, stating specific grounds for the rehearing, and signed by the aggrieved party or an authorized agent.

An application for rehearing shall be deemed denied unless acted upon by the appeal board within 20 days after its receipt by the appeal board.

The decision of the appeal board, or 20 days after the proposed decision of the administrative law judge, shall become final, without further review, unless within 30 days a petition for judicial review is filed in the appropriate district court. A petition for judicial review may be filed within 30 days after an application for rehearing has been denied or deemed denied.

This rule is intended to implement Iowa Code section 10A.601.

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